



## ***City of Miami Springs, Florida***

The Miami Springs City Council held a **SPECIAL MEETING** in the Dynasty Room at the Miami Springs Golf and Country Club on Monday, June 30, 2003, at 7:00 p.m.

### **1. Call to Order/Roll Call**

The following were present:

Mayor Billy Bain  
Vice Mayor Eric Elza  
Councilman Jim Caudle  
Councilman Peter Pacheco  
Councilman Rob Youngs (Arrived at 7:03 p.m.)

Also Present:

Asst. City Manager/Bldg. Official Michael A. Sprovero  
City Attorney Jan K. Seiden  
Public Services Director Denise Yoezle  
Police Chief H. Randall Dilling  
City Clerk Magali Valls  
Deputy City Clerk Suzanne S. Hitaffer

### **2. Invocation:** Councilman Caudle offered the invocation.

**Salute to the Flag:** The audience participated.

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(Agenda Item 4 was the first item of discussion)

### **4. Resolution - A Resolution of the City Council of the City of Miami Springs Ratifying the City Manager's Execution of the Interlocal Agreement for Distribution of Charter County Transit System Surtax Proceeds Levied by Miami-Dade County Required for the City to Receive its Proportionate Share of the Surtax Proceeds Derived from the Imposition of the County's One-half of One Percent Transit System Surtax from Miami-Dade County; Effective Date and Retroactivity**

City Attorney Jan K. Seiden read the resolution by title.

Attorney Seiden stated that the City passed a resolution in August 2002, supporting the transit tax, which was approved by the voters last November, and in order for the City to collect its proportionate share of the funds, the City is required to enter into an Interlocal Agreement with the County to provide for the distribution of the funds.

Attorney Seiden said that the City received the agreement from the County in June 2003, and the City Manager felt that based upon the prior resolution, that it was proper to sign the agreement. However, the County Attorney contacted the City to advise that a set of minutes or a resolution authorizing the execution of the document is needed. Therefore, this resolution provides that the City Manager's signature of June 12, 2003 is effective. The County Attorney indicated that he would not stop the process, and the City would receive its proportionate share of the transit taxes.

**Councilman Pacheco moved to approve the resolution and Vice Mayor Elza offered the second.**

**On roll call vote, the motion was unanimously carried (Resolution No. 2003-3223).**

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### **3. Consideration of Charter Amendments:**

(By consensus, Council agreed to discuss Agenda Items 3a, 3b, 3c, and 3d simultaneously)

**3a. Golf Course Amendment: Any sale of the Golf and Country Club, consisting of 183.60 acres, shall be subject to a public vote requiring the approval of a majority of the Miami Springs electorate, prior to any sale**

**3b. Westward Drive Amendment: Any modifications to Westward Drive, which would in any way alter the existing traffic, parking and/or sidewalk configuration within the existing legal right-of-way of Westward Drive, shall first be subject to a public vote requiring an approval of a majority of the Miami Springs electorate**

**3c. Curtiss Parkway Circle Amendment: The City of Miami Springs or its officials shall not approve and/or implement any modifications to the Curtiss Parkway Circle which in any way would alter the existing traffic, parking, and/or sidewalk configurations, within the existing legal right-of-way of the Circle without the approval of a majority of the Miami Springs electorate**

**3d. Consideration of Charter Amendment Concerning Charter Language Contained in Section 3.06 (7) in Regard to Term Limits Previously Amended During the November 5, 2002 Special Election**

Martin Marquez of 401 Hunting Lodge Drive thanked Mayor Bain and the Council for this historical meeting. He also thanked newly elected Councilman Pacheco for supporting the amendments.

Mr. Marquez spoke in favor of the proposed Charter amendments. He said that the Golf Course is the heart and soul of the community, and without the Golf Course Charter amendment, it could be lost forever. He explained that the purchase of the Golf Course was approved by a majority vote of the community, and it should take a majority vote of the community before any of the Golf Course property can be sold, leased, or redeveloped.

Mr. Marquez said that the Dover Kohl plan proposed to reduce Westward Drive and the Circle to two lanes and this would not work. He said that the widening of Okeechobee Road would create more traffic, and density increases on Westward Drive and the Circle would reroute traffic into the residential neighborhoods.

Mr. Marquez concluded that the Council has been listening too much to the Chamber of Commerce and not getting input from the community. The proposed amendments would require a citywide vote before major modifications could be done to Westward Drive and the Circle.

Mr. Marquez urged Council to place the charter amendment questions on the ballot for the April 2005 Municipal Election.

Kathie Marquez of 401 Hunting Lodge Drive read a letter from Debra Hughes of 482 Crescent Drive supporting the three Charter amendments. She urged Council to leave political motivations behind, and to adopt Mayor Bain's philosophy of listening to the people.

Henry M. Flowers of 180 Navajo Street spoke in favor of the proposed Charter Amendments.

Joe Derry of 13 S. Royal Poinciana Boulevard, Apartment 11, spoke in favor of the proposed Charter amendments. He said that there is another remedy that people have to stop Council's actions, particularly the sale of the Golf Course, and it is the recall process.

Betty Du Bois of 1025 Hunting Lodge Drive is in favor of the proposed amendments. No one should tell the residents how to vote. She added that she would like the Charter changed back to the way it was before it was amended last year to extend the term limit for the Mayor.

Mike Garciga of 500 N. Esplanade Drive, owner of the beauty shop at 369 Westward Drive, said that a new Mayor and two new Council members were elected by the residents in April, and the residents should have the right to vote on these amendments.

Ray Orchard of 109 Deer Run thanked Council for letting the residents have their say about Westward Drive and the proposed Charter amendments. He said that the public outrage, and the election landslide proved that residents and taxpayers do not like the idea of changing the Circle, Westward Drive, or the Golf Course. He felt that voters and taxpayers should make the final decision.

Jack Odin of 1295 Thrush Avenue said that the residents voted to purchase the Golf Course and the

Charter should require a public referendum to sell the Golf Course. He said that there were four options proposed for changes to Westward Drive, but there was no option for leaving the Circle unchanged, and this option should be included in the ballot question.

Kathy Fleischman of 810 Pinecrest Drive read a letter from her husband Buzz Fleischman supporting the proposed Charter amendments. She added that a vote from the residents affords everyone an opportunity for all voices to be heard.

Owen Gay of 81 Morningside Drive presented petitions containing 450 signatures of individuals that indicated their support for all of the Charter amendments. He would give a copy to the City Clerk for the official records. He expressed his opinions in support of the three Charter amendments.

Mr. Gay said that the former Council wasted time and money because the residents do not want major sidewalk and streetscape changes on Westward Drive. He would like to avoid the potential of repeat performances of the past, and to make sure there is a consensus of public opinion by placing the Charter amendments on the ballot.

Mr. Gay stated that the former Council was presented a recommendation to borrow \$1MM in support of a plan that would reduce the capacity of the Circle to handle traffic, and this was prior to project testing or public review. He gave credit to Councilman Youngs for pointing out the deficiencies of the plan, and for delaying action on the acceptance of the loan.

Mr. Gay said that, as it stands now, the Charter requires a 4/5 vote of the City Council to sell the Golf Course, and the proposed amendment would provide the additional requirement of securing a communitywide majority vote prior to any sale.

Mr. Gay concluded that development and/or modifications to the Circle, Westward Drive or the Golf Course are issues that would have a significant impact on the citizens, affecting economics, density, civic services, and traffic matters. He felt that all these issues clearly are important enough to become Charter amendments. He urged Council to place the questions on the ballot for the April 5, 2005 Municipal Election.

Yvonne Shonberger of 85 Deer Run spoke in support of the proposed Charter amendments, which she feels are significant issues. She said the residents would like to stop cut-through traffic, but they do not want to make it more difficult to get in and out of the City by reducing the traffic lanes on the Circle and Westward Drive. She would like these important decisions to be made by a majority of the residents, not just a few people.

Michael Gavila of 684 Morningside stated that he would like to see the proposed Charter amendment for Westward Drive on the ballot. He would like the term limits changed back to the way they were before the Charter was amended last year.

Rose Giammalvo of 51 Hunting Lodge Court spoke in favor of the proposed Charter amendments. She reminded Council of their campaign promises to listen to the residents and to make the right

decisions for the community. Ms. Giammalvo said that by placing the Charter amendments on the ballot, it would allow the residents the privilege to vote, and the City Council should not be allowed to make these decisions.

Raul Cruz Alvarez of 429 Deer Run moved to Miami Springs recently because of the beautiful Golf Course and safe environment. He said that he would not want the Golf Course developed and that he would move from the City if this happens.

Salvador Vega of 231 Deer Run stated that he lives across from the Golf Course and he would like to have a vote on any changes.

Shirley Taylor Prakelt of 376 Linwood Drive stated that there was a clear mandate from the voters on April 1, 2003, that the residents are tired of not being listened to. She said that when Glenn Hammond Curtiss founded the City, he created it around the Circle, Westward Drive and the Golf Course.

Ms. Taylor Prakelt felt that the proposed referendum came about because the voters lost confidence in the former elected officials and their decision to spend tax dollars to pay consultants to prepare reports on how to change the City, which she calls Mayberry.

Ms. Taylor Prakelt said that the message is clear that the residents love the community and they want it to stay the way it is, with the same quality of life, separate from the rest of the County. She said that there are more efficient ways to make the business district more viable. She is very encouraged that the elected officials have the will to listen.

Ms. Taylor Prakelt voted for Mayor Bain because he promised to listen. She said that the people of Miami Springs do not want the City to change, and the most important issues are to preserve the Golf Course, the Circle, Westward Drive, and Curtiss Parkway. She urged Council to let the residents vote on these issues.

Bill Tallman of 901 Falcon Avenue stated that he is concerned about the nature of the Charter amendments. He voted for the Mayor and Council because he believes in their abilities. He said that the Council members must process a tremendous amount of information in order to be able to keep up with the issues and make the best decisions for the community. Mr. Tallman felt that it would be better to let the elected officials make informed decisions.

Vice Mayor Elza stated that he is in favor of all four Charter amendments, and he would like to add wording to the Golf Course amendment about rezoning. He explained that any rezoning or sale of the Golf Course would first require a 4/5 vote of the City Council and then it would go to a referendum.

City Attorney Jan K. Seiden said Charter Section 1.04 provides that a 4/5 vote of Council is required to sell any park or recreational property that is owned by the City, and the proposed amendment would not change that requirement. He added that the referendum would be another layer of

protection.

To answer Vice Mayor Elza's question, Attorney Seiden stated that, in his opinion, Charter amendments B and C would not have any bearing on the City's Comprehensive Plan.

Attorney Seiden explained that all the provisions must be formatted to meet County requirements, and they must be enforceable. He recommended changing the language of the proposed amendments so that they would be more protective. Attorney Seiden said that he would bring the amendments back in the form of a resolution.

Vice Mayor Elza suggested adding the word "conveyed", in addition to "sale", because City property could be deeded without actually being sold, which has happened in the past.

Councilman Youngs added that there is also the possibility of a long-term lease, and this would be an issue to consider.

Vice Mayor Elza stated that he is in favor of all four proposed Charter amendments.

Councilman Caudle stated that he was one of three people who initially went to the City of Miami City Commission to ask them to sell the Golf Course to the City of Miami Springs. He said that the majority of the voters approved the purchase of the Golf Course, and the residents should have the right to vote on changing the ownership of the Golf Course.

Councilman Caudle mentioned that he and Councilman Youngs voted against the \$1MM loan for the Circle modifications, and he also voted against widening the sidewalks on Westward Drive. He would like to improve the appearance of Westward Drive with façade treatments and lighting, which would not be too expensive.

Councilman Pacheco was pleased to see everyone who came to the meeting. He explained that the residents approached him in April to see if he would support the Charter amendments, and he offered to support them 100%. Councilman Pacheco said that he voted to purchase the Golf Course, the residents pay to support it every year, and he would certainly like to allow the residents a voice before selling or leasing the property.

Councilman Pacheco explained that the majority of the people realize that there must be some type of Downtown revitalization, but the community has separated on these issues, and he would like to bring the community back together again. He knows there are people who want changes so the residents do not have to pay the majority of the taxes, and at the same time, they also want to keep the City the way it is with the same quality of life.

Councilman Pacheco stated that he supports the Charter amendments and he would vote in favor of them in order to bring peace to the community and maintain the quality of life.

Councilman Youngs thanked Owen Gay and Martin Marquez for supporting the proposed Charter

amendments. He said that the previous Council took the election as a mandate to move forward with downtown revitalization, and that he and Councilman Caudle agreed to support revitalization, but that it should be reasonable, and it should be done with the consent of the majority of the people.

Councilman Youngs stated that there must be a vote on major issues, and that he would like to lay the groundwork for the protection against a City Council that might be out of touch with what the people want. He said there must be an increased level of civility in the way people are treated, and the differences should be debated by merit. He supports all three amendments in order to protect the residents, and to allow them the opportunity to vote, especially when Council does not follow the City Code.

Councilman Youngs said that the most current example of Council not following the Code was at the Board of Appeals meeting when a variance was approved to allow a liquor store to proceed at 1 Westward Drive. He explained that Council voted in favor of the variance, notwithstanding the fact that the Code provides for conditions to be met first. He felt that Council did not see that the conditions were met, and that some conditions were not even considered.

Councilman Youngs reiterated that, in his opinion, this is a situation where the City Council did not follow the Code and they granted a variance to allow a package store at 1 Westward Drive. Council debated the issue on the merits, and that is where the focus should be, not attacking individuals. He stated that these are his reasons for supporting the three amendments.

Mayor Bain stated that he supports all four of the proposed amendments, especially the Golf Course amendment. He would like the City Attorney to word the questions so that the people understand what they are voting for.

Attorney Seiden explained there is a 75-word limit imposed by Miami-Dade County. He said that Mr. Gay suggested placing the questions on the April 2005 Municipal Election ballot, but there might be an earlier County election, and Council could decide what is appropriate. He would put the questions in the form of resolution that must be passed by the City Council. If the Council adopts the Charter amendments as their own, there is a review board process, but this could be waived and the amendments could go directly to Council for discussion.

Regarding the Mayor's reference to the prior Charter amendment, the City Attorney said that he has a copy of the old provision for the term limits, and if Council desires, the process could simply be reversed. He suggested that the language could be put on the same ballot, and the people could vote "yes" or "no".

Mayor Bain said that he would like to set the date for April 2005.

Vice Mayor Elza would like to instruct the City Attorney to prepare the resolutions for all four Charter amendments.

**Vice Mayor Elza moved to adopt the four Charter amendments in concept, and instruct the City Attorney to put them in a language that could be used for the development of ballot questions for the inclusion within the resolution to call a regular election. Councilman Pacheco seconded the motion, which carried unanimously on roll call vote.**

Vice Mayor Elza thanked everyone for supporting the City Council in their efforts to approve the Charter amendments, which he feels will benefit everyone. He agreed that Council made the wrong decision when they approved the liquor variance for 1 Westward Drive, and that decisions should be based on how the law is written, not on personalities or favoritism.

Councilman Caudle congratulated Mr. Tallman for expressing his opinion against the proposed Charter amendments, and for believing that people should have confidence in their elected officials.

Peter Gresh of 437 Lark Avenue said he likes the City the way it is. His main concern is the Golf Course because the City purchased it at a time when it was losing money, and it has continued to lose money. He suggested that the City could donate the property to the State for the purpose of making it a wildlife sanctuary or state park, and keep the property green. He would not want more apartments or traffic in the City.

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This agenda item was the first item discussed immediately following the Salute to the Flag.

**5. Adjourn.**

There being no further business to be discussed the meeting was adjourned at 8:20 p.m.



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Billy Bain  
Mayor

**ATTEST:**

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Magali Valls, CMC  
City Clerk

Approved as written during meeting of: 8/11/2003

Transcription assistance provided by S. Hitaffer

Words ~~stricken through~~ have been deleted. Underscored words represent changes. All other words remain unchanged.